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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,064	11/14/2000	David Dawson-Granados	MS1-824US	8943
22801	7590	01/16/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER PILLAI, NAMITHA	
			ART UNIT	PAPER NUMBER

2173

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/16/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/16/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No.	Applicant(s)	
	09/712,064	DAWSON-GRANADOS ET AL.	
	Examiner	Art Unit	
	Namitha Pillai	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 110-129 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 124-129 is/are allowed.
- 6) ☒ Claim(s) 110-117 is/are rejected.
- 7) ☒ Claim(s) 118-123 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 10/24/06 including the cancellation of claims 1-109 and the addition of new claims 110-129. Claims 110, 114, 115 and 117 have been rejected for being obvious over prior arts, where the previous rejection has been maintained. Claims 111-113, 116, 118-123 contain allowable subject matter. Claims 110-116 are rejected under 35 U.S.C. 101. Claims 124-129 are allowed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 110-116 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims disclose functional descriptive material but not in combination with an appropriate computer readable medium. The computer readable medium must be a physical structure and not a signal, where the computer readable medium in combination with a computer would implement the functionality.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

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at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 110, 114, 115 and 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 2002/0052925 A1 (Kim et al.) and "HOW-TO Beat the ADS on FWP (Free Webpage Providers)?", herein referred to as the "HOW-TO" article.

Referring to claims 110 and 117, Kim discloses an Internet browser (page 3, paragraph 45, lines 1-2 and paragraph 50, lines 1-6). Kim further discloses receiving a request to open a second browser window while a first browser window is displayed, and opening the second browser window if the request was initiated in response to a user action (page 6, paragraph 77, lines 7-9 and 16-19), wherein the user's request for another web page, through the clicking of a link is responded with the eventual display of the web page that the user had requested. The user request in the web browser can only be made after receiving a load finished event for the first browser and before receiving an unload event for the first browser. Kim does not disclose ignoring the request if the request was not initiated in response to user action, where the time when the user action cannot occur is after the receiving the unload event for the first browser and before receiving the load finished event for the first browser. The "HOW-TO" article discloses ignoring the request if the request was not initiated in response to a user action, wherein these requests would be calls for pop-up advertisements, which are requested by users and as explained by the article, it provides a means for ignoring these pop-ups ads (page 1, lines 16 and 27). It would have been obvious for one skilled in the art, at the time of the invention to learn from the "HOW-TO" article for

implementing a means for ignoring the request for the display of advertisements, which are not initiated in response to a user action. Kim clearly discloses how pop-up advertisements are requested and displayed without any intervention from the user and the amount of annoyance this brings to users (page 1, paragraph 9). The "HOW-TO" article also discloses the annoyance that users experience and the inconvenience of these pop-up unrequested ads, and provides a solution for dealing with this problem. To relieve any inconvenience to the users, Kim would be motivated to follow the teachings of the "HOW-TO" article to implement means for ignoring the request that is not initiated by the users. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from the article to implement means for ignoring the request that is not initiated by the users.

Referring to claim 114, Kim and "HOW-TO" disclose verifying that interface pointers configured for passage when a browser open request is issued have passed (Kim, Figure 6), the figure showing the verification process.

Referring to claim 115, Kim and "HOW-TO" discloses ignoring window sizing command and superimposing the second browser on top of the first browser, the second browser being a full screen window that does not allow for sizing and is covering the first window (Kim, page 3, paragraph 45).

Response to Arguments

4. Applicant's arguments filed 10/24/06 have been fully considered but they are not persuasive.

Kim teaches displaying of ads to occupy the window of the full window of the browser and in addition to this teaching further points out that pop-up ads are not a beneficial method for advertising. Kim may not explicitly teach ignoring pop-up ads but such a statement that these pop-up ads are not beneficial provides motivation for Kim to teach ignoring pop-up ads, in reference to ads that are not selected or desired by the user. Kim's teachings related to the ineffectiveness of pop-up ads provides rationale for combining Kim with the "How-To" reference for an expected beneficial result, with the result being the ignoring of pop-up ads. Kim's statements concerning the ineffectiveness of pop-up ads provides motivation and wherein obviousness of the teaching of ignoring pop-up ads is based on teachings found within Kim and "How-To" and does not include knowledge taken only from the Applicant's disclosure. Therefore, the combination of Kim and the "How-To" article is valid.

Kim and How-To are analogous in teaching systems related to the field of advertisements and displaying of advertisements in an Internet environment. Kim may display full window ads but Kim's discussion of the undesirability of the pop-up ads teaches a common factor that both Kim and How-To are anti pop-up ads. The advertisements windows that accept user input with field data has been interpreted as dialog box, with the ads being further suppressed as is taught in the combination of Kim and How-To.

9. Applicant's arguments, with respect to claims 111-113, 118 and 124 have been fully considered and are persuasive.

Allowable Subject Matter

6. Claims 124-129 are allowed.
7. Claims 111-113, 116, 118-123 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 111, 116, 118 and 124, the combination of Kim and "HOW-TO" disclose opening up a second browser in response to user action and ignoring pop-up ads that are not desired by the user. Although, Kim may discuss well-known history keeping features associated with a single browser, Kim and the "HOW-TO" article do not clearly disclose maintaining a consistent browser history across multiple browser sessions, where the history of a first browser is accessible from a second browser. These features in combination with the features disclosed in independent claims have not been previously disclosed. Furthermore, the combination of Kim and the "HOW-TO" article would not have made obvious the features related to the browser history in association with a first and second browser.

Conclusion

9. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in

37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
January 7, 2007



**RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173**